

Q&A On Port of Kennewick Public Records Request made by Attorney John Ziobro

Q. Why is this request so costly?

A. Port staff is copying nearly 90% of its records for a seven year period in order to comply with the Public Records Request made by John Ziobro, a Richland attorney. Information was requested on every employee, consultant, contractor, or spouses of any employees for almost seven years. That includes 27 current or former employees and a countless number of contractors and consultants, almost every invoice we have paid in the past seven years.

Q. Why do so many records have to be copied?

A. As a public agency, and stewards of taxpayer resources, the Port maintains detailed records and bookkeeping; and has these documents catalogued and archived offsite for security and safekeeping. Although we are moving to online record keeping, paper copies must still be kept for many items. The records request from John Ziobro included every port employee, consultant, contractor, or spouses of any employees from January 1, 2005 to present*:

- all travel expense reports for each and every port employee
- all claims for expenses and reimbursements for all port employees
- *all vouchers and supporting invoices* for claimed expenses for employees for reimbursement
- all expense reports, claims for expenses, vouchers for travel and related expenses for any port consultant, contractors, or spouses of any employees
- *all reimbursements* to port employees for expenditures made on behalf of the port for any purpose.

The request is seeking a significant amount of paperwork and documentation which will need to be retrieved, copied, checked for removal of personal information, copied again, reviewed and then submitted.

**For example: The records relating to two employees alone required copying 1,191 documents. Records relating to contractors and consultants for the first half of 2005 alone totaled 1,083 pages.*

Q. Is there an alternative?

A. This is the largest information request the Port has ever received. In the past, requests have been limited and usually involved information about a specific event or project (Vista Field) for example. Staff has even met with previous requestors so they

could provide insight and explain specifically what they were looking for; in that manner, Port staff is able to respond to requests in a timely and cost-effective manner. While Mr. Ziobro did agree in writing to clarify and limit the number of years for which he requested information back through 2005; he did not clarify the employees, contractors or consultants. Ziobro's request includes almost 90 percent of the documents accumulated during the seven year period covered by his inquiry.

Q. Why is does it take so long to produce these?

A. Responding to a public records request as per the Revised Code of Washington RCW42.56, requires that the Port make available for review or photocopying "...**ANY** writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."

The Port strives to maintain an open and transparent form of government and is exact in archiving and documenting its expenditures. This means there is a substantial amount of paperwork involved with each payment. This documentation includes contracts, vouchers, invoices, claim forms, and receipts; and over the years, this careful stewardship has led to a significant increase in the amount of paperwork associated with the reimbursements of expenses, and/or goods and services rendered.

Q. What are the steps in the process?

A. The process involves these steps:

- Requesting file boxes be retrieved and delivered from the outside archive
- Locating within each file the specific expense reports, vouchers, claims, and receipts associated with the records request
- Making a photocopy of each original document associated with the records request [copies of each original document must be made because record retention laws require the port to preserve documents in their original state]
- Going through each copy and taking out all personal information as per RCW 42.56.250; this includes personal addresses; personal phone numbers, cell phone numbers or FAX numbers; personal account numbers; personal credit card numbers; personal email account information; personal or spouse or dependant names; personal date of birth; personal drivers license; and bank account numbers, or other information not deemed necessary to the public interest such as port credit card numbers and account numbers.
- Reviewing the copies to ensure that all personal information has been removed and inspecting these copies against the original files to ensure that all documents were provided and accurately reflect the original.

- Once the copies are ready, contacting the employee, consultant, or contractor to notify them of the request, giving them time to review or seek a court injunction prior to releasing the documents, so as not to create an invasion of personal privacy [RCW 42.56.210]
- Releasing documents in installments as they are copied and readied for distribution, to facilitate a timely and thorough response.

Q. Why aren't the Port's records stored electronically?

A. Many items are stored electronically. However, files, accounting and bookkeeping procedures are audited regularly by the Washington State Auditor's Office; and while we do store many items electronically, original documents are still required as part of the state mandated audit process. The Port of Kennewick has received 15 years of clean audits and commendations for its accounting procedures.

Q. What will the majority of the \$100,000 be spent on?

A. The cost is almost exclusively for staff time to handle the sheer volume of requested material and for the time it takes to locate, copy, catalog, remove personal information, and review the large volume of documents requested. Time must also be spent to ensure that the Port's response is completed in accordance with the law. By law the port is not allowed to charge the requestor for this expense.

Q. Can you charge the person requesting the information for this material?

A. No the law states that no fee shall be charged for locating public documents and making them available for review. In addition, "...the agency may not charge in excess of fifteen cents per page" for copying. Only the cost of the copies provided by Port of Kennewick, at 15 cents per page, will be paid by the requestor, attorney John Ziobro.

Q. Are you moving to electronic archiving of documents?

A. Yes but given that the Port has never had a significant records request, our focus has been on job creation, improving the waterfront, and constructing buildings that attract new businesses, new jobs, and new dollars to our community. In the past, the Port chose to invest limited taxpayer dollars on economic development projects which benefit the general public, instead of spending them converting hundreds of boxes of paper into electronic files.

With the improvements in technology, the port now has access to more secure and more affordable online storage options. In January of 2011, the Port began electronically capturing and archiving current and future records; and we are working with the Office of the Secretary of State and the State Auditor's Office to develop a plan for electronic management and archiving. However, according to the Office of the

Secretary of State, “Perhaps the greatest challenge to electronic record keeping is the evolution of technology itself. New hardware and software are replacing the products and methods used to record, store and retrieve digital information on cycles of two to five years....Content migration presents its own set of challenges to preserve the integrity of the original electronic record.”

The Port is not only mindful of citizen interest in its activities, it is committed to operating in an open and transparent way to keep taxpayers informed and to provide information that is of significant concern. Recently, for projects and issues regarding Vista Field Airport, the Port posted all reports, letters, and related documents on the website www.PortofKennewick.org. As this Q&A indicates, we plan to increase use of that approach.